



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF NOVEMBER 12, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-150 In re Nicholas H., S100490. (A092188, A093477; 91 Cal.App.4th 86.)
Petition for review after the Court of Appeal reversed orders in a dependency proceeding. This case concerns whether the term “natural father” in Family Code section 7611 means “biological father” and whether an individual’s status as a “presumed father” under that section is necessarily rebutted under Family Code section 7612 by the presumed father’s admission he is not the child’s biological father.

#01-151 In re Qawi, S100099. (A093094; 90 Cal.App.4th 1192.) Petition for review after the Court of Appeal granted a petition for writ of habeas corpus. This case concerns whether Penal Code section 2972, subdivision (g), requires a judicial determination that a person who has been committed as a mentally disordered offender lacks capacity to refuse treatment before such a person can be involuntarily medicated with anti-psychotic medication.

#01-152 Gursey, Schneider & Co. v. Wasser, Rosenson & Carter, S100426. (B142378; 90 Cal.App.4th 1367, mod. 92 Cal.App.4th 15a.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in Musser v. Provencher, S099938 (#01-115), which includes the issue of whether an attorney can sue co-counsel for indemnification of damages for professional malpractice.

(over)

#01-153 People v. Llavet, S100614. (H020453; unpublished opinion.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Cornelius, S068743 (#00-94), People v. Acosta, S089120 (#00-104), and People v. Graves, S089533 (#00-105), which include issues concerning the propriety of imposing sentence under both the one strike law (Pen. Code, § 667.61) and the three strikes law (Pen. Code, §§ 667, (b)-(i), 1170.12)

DISPOSITIONS

#01-71 People v. Lee, S096531, was transferred to the Court of Appeal for reconsideration in light of People v. Otto, 26 Cal.4th 200.

The following cases were dismissed and remanded to the Court of Appeal:

#00-20 People v. Lugas, S085015.

#00-21 People v. Woodson, S085092.

#00-45 People v. Shroff, S086060.

#00-99 People v. Harper, S088651.

#00-102 People v. Mendoza, S089671.

STATUS

#01-20 People v. Sinohui, S094039. The court ordered briefing expanded to include the issue of whether a trial court may compel testimony from a defendant's spouse pursuant to the exception to the spousal privilege contained in Evidence Code section 972, subdivision (e)(2), if the prosecution never charged the defendant with a crime against his spouse in an accusatory pleading.

#01-105 Olszewski v. ScrippsHealth, S098409. The court ordered proceedings stayed as to respondent Medical Liability Recoveries, Inc. (See 11 U.S.C. § 362(a)(1).)

#01-126 People v. Superior Court (Jimenez), S099542. The court ordered review limited to the issue of whether, when the prosecution refiles criminal charges following the grant of a motion to suppress evidence and the dismissal of the initial charges, the right of the prosecution to exercise a peremptory challenge to a judge or magistrate under Code of Civil Procedure section 170.6 is limited by Penal Code section 1538.5, subdivision (p), which provides that relitigation of the motion to suppress evidence "shall be heard by the same judge who granted the motion at the first hearing if the judge is available."